




DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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May 27, 2008 – Via Facsimile

RESPONSE REQUESTED BY FRIDAY, MAY 30, 2008

To: All County Clerks/Registrars of Voters (08182)

FROM: Irene E. Capps 
Voting Program Manager

Subject: Vote-By-Mail Ballots: Online Information

As we approach the June 3, 2008, Statewide Direct Primary Election, please confirm that you have established procedures to track and confirm, via online access, the receipt of voted vote-by-mail ballots, per Elections Code section 3017(c). If your county does not have an Internet web site, you are required to set up a toll-free telephone number for this purpose.

For your convenience, I have attached a copy of my original memo (#07182, dated October 16, 2007) and Senate Bill 1725, statutes 2006, regarding this issue.

We are now asking that you complete the following questions and return it to me via email (icapps@sos.ca.gov) or fax (916- 653-3214) by Friday, May 30, 2008:

County of: _____

Contact Person: _____

Email Address or Telephone Number: _____

System set up for tracking and confirming receipt of voted Vote-By-Mail Ballots via online access: YES _____ NO _____

or

System set up for tracking and confirming of voted Vote-By-Mail Ballots via a toll-free telephone number: YES _____ NO _____

Comments:

Please contact me should you have any questions on this issue.

Thank you.

Attachments



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October 16, 2007

To: All County Clerks/Registrars of Voters (07182)

FROM: Irene E. Capps
Voting and Outreach Program Manager

Subject: Senate Bill 1725, Chapter 687, Statutes 2006 – Absentee Ballots:
Online Information

Just a reminder, Senate Bill 1725, signed by the Governor in September 2006, amended Elections Code section 3017. This legislation requires elections officials, **on or before March 1, 2008**, to establish procedures to track and confirm the receipt of voted absentee ballots and to make this information available by means of online access using the county's elections division Internet web site, or if none available, by means of a toll-free telephone number for this purpose.

This bill also requires elections officials to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used in tracking absentee ballots.

For your convenience, I have attached a copy of Senate Bill 1725, Chapter 687.

If you have any questions, please feel free to contact me at irene.capps@sos.ca.gov or (916) 657-2166.

Thank you!

Attachment

BILL NUMBER: SB 1725 CHAPTERED
BILL TEXT

CHAPTER 687
FILED WITH SECRETARY OF STATE SEPTEMBER 29, 2006
APPROVED BY GOVERNOR SEPTEMBER 29, 2006
PASSED THE SENATE AUGUST 29, 2006
PASSED THE ASSEMBLY AUGUST 22, 2006
AMENDED IN ASSEMBLY AUGUST 10, 2006
AMENDED IN ASSEMBLY AUGUST 7, 2006
AMENDED IN SENATE MARCH 30, 2006

INTRODUCED BY Senator Bowen

FEBRUARY 24, 2006

An act to amend Section 3017 of the Elections Code, relating to
absentee ballots.

LEGISLATIVE COUNSEL'S DIGEST

SB 1725, Bowen Absentee ballots: online information.

(1) Existing law requires an elections official to count only those absentee ballots returned by mail that are received by the elections official or delivered to a polling place by the close of the polls on the day of the election that contain specified information. Existing law also requires the elections official to establish procedures to ensure the secrecy of any absentee ballot returned to a precinct polling place.

This bill would require an elections official, on or before March 1, 2008, to establish procedures to track and confirm the receipt of voted absentee ballots and to make this information available by means of online access using the county's elections division Internet Web site, or if none is available, by means of a toll-free telephone number for this purpose.

The bill would require the elections official to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used in tracking absentee ballots. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3017 of the Elections Code is amended to read:

3017. (a) All absentee ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the absent voter shall do either of the following: (1) return the ballot by mail or in person to the elections official from whom

it came or (2) return the ballot in person to any member of a precinct board at any polling place within the jurisdiction. However, an absent voter who, because of illness or other physical disability, is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter to return the ballot to the elections official from whom it came or to the precinct board at any polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

(b) The elections official shall establish procedures to ensure the secrecy of any ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(c) On or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of voted absentee ballots and to make this information available by means of online access using the county's elections division Internet Web site. If the county does not have an elections division Internet Web site, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted absentee ballot was received.

(d) The provisions of this section are mandatory, not directory, and no ballot shall be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), no absent voter's ballot shall be returned by any paid or volunteer worker of any general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision shall not apply to a candidate or a candidate's spouse.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.